

REMARKS:

The Office Action dated July 17, 1995 has been received and carefully reviewed. Reconsideration of the above entitled application, as amended, is respectfully requested.

Applicant notes that the drawings without reference numerals were filed. Submitted herewith are informal copies of the drawings having reference numerals thereon. Applicant believes that drawings with reference numerals are supported by the original specification and that no new matter is added by the submission of these drawings. Formal inked drawings will be submitted at a later date.

Applicant notes with appreciation the indication that Claims 5, 6, 14, 15, 17, 18, 23, 24, 26, and 27 would be considered allowable if rewritten in independent form. Claims 5, 6, 14, 15, 17, 23, 24, and 26 have been rewritten respectively as Claims 28-35. Claim 18 has been amended to depend from Claim 32, and Claim 27 has been amended to depend from Claim 35. Each of Claims 28-35 includes all the elements of the original claim, its parent, and any intervening claim. Claims 5, 6, 14, 15, 17, 23, 24, and 26 have been cancelled without prejudice. Applicant believes that Claims 28-35, 18, and 27 are now in condition for allowance.

Claims 2-4, 7, and 8 have been amended where necessary to depend from Claim 28; Claims 10-13 and 16 have been amended where

necessary to depend from Claim 30; and Claims 20-22 and 25 have been amended where necessary to depend from Claim 33. Each of said dependent claims adds details to its parent claim and is believed to be allowable for the same reasons as Claims 28, 30, and 33 respectively.

Claim 1 is an independent claim and calls for improvement in an apparatus for implanting a pellet in an animal through a needle, the improvement essentially comprising: a slide member mounted on a housing, engaged with the trigger and the impeller, and operative to retract the impeller to a retracted position and extend the trigger to an armed position upon manual reciprocation of the slide member.

Claim 9 is an independent claim and adds to the slide mechanism of Claim 1 details of an impeller spring engaged between the impeller and the housing and urging the impeller toward its extended position; a latch mechanism releasably retaining a spring force in the impeller spring; and a release member connected to the trigger whereby movement of the trigger toward its release position urges the impeller toward its extended position thereby releasing the impeller from the latch mechanism and enabling the impeller spring to resiliently urge the impeller toward its extended position.

Claim 19 is an independent claim and is similar to Claim 9 with the addition of specific details, including a manual grip, a

tubular needle, and a pellet magazine. Claim 19 includes a slide mechanism similar to that claimed in Claims 1 and 9.

The slide mechanism of the implanter defined in Claims 1, 9, and 19 is analogous to a slide member on a pump shotgun which retracts the hammer, arms the trigger, and positions a shell in the chamber by manual reciprocation of the slide member. The slide mechanism of Claims 1, 9, and 19 retracts the impeller and extends the trigger to an armed position by manual reciprocation of the slide mechanism. As described in the specification, such an arrangement allows the pellet to be implanted using principally the force of the impeller spring rather than manual grip strength. The implanter of Claims 1, 9, and 19 is, thus, less fatiguing to operate.

Claims 1, 9, and 19 were rejected under 35 USC §102(b) as anticipated by Stewart '295 or Prindle et al. '465. In the implanter of Stewart, the trigger 14 is pivotally mounted on the housing and is connected through linkage 16 to the impeller holder 17 (Figs. 2-4). A return spring 27 is connected between the housing and a return linkage 24 which, in turn, is connected between the housing and the trigger 14. Pivoting the trigger 14 into the grip extends the impeller and tensions the spring 27. Releasing the trigger 14 allows the spring to pivot the trigger back out of the grip to its original position and retracts the impeller back into the housing. There is no disclosure or

suggestion in Stewart of a slide mechanism as defined in Claims 1, 9, and 19.

The implanter of Prindle et al. is somewhat similar to Stewart's. Prindle's implanter includes a trigger 36, a link 34 connected between the trigger 36 and an impeller holder 32, and a return spring 39 connected between the housing and the line 34 (Figs. 1 and 4). Pivoting the trigger into the grip extends the impeller and tensions the return spring. Releasing the trigger allows the spring force to retract the impeller and pivots the trigger back out of the grip. There is no disclosure or suggestion in Prindle et al. of a slide mechanism as defined in Claims 1, 9, and 19.

Applicant believes that neither Stewart nor Prindle et al. nor any of the other cited references discloses or suggests an implanter with a slide mechanism which retracts the impeller and extends the trigger to an armed position by manual reciprocation of the slide member, as defined in Claims 1, 9, and 19. Therefore, applicant believes that Claims 1, 9, and 19 should be allowable.

Claims 1-4, 7-13, 16, 18-22, 25, and 27 are presented for reconsideration, and Claims 28-35 are newly presented. Applicant contends that said claims call for implanters with manually reciprocated slide mechanisms which are not disclosed by or obvious from any of the references of record, either singly or in

combination. Therefore, the allowance of Claims 1-4, 7-13, 16, 18-22, 25, 27, and Claims 28-35 is earnestly solicited.

The Examiner is invited to contact applicant's attorney at the below listed telephone number in the event it is felt the prosecution of this application can be expedited thereby.

Respectfully submitted,

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Hon. Commissioner of Patents and Trademarks, Washington, D.C. 20231 on October 17, 1995.

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(Applicant)

By 

October 17, 1995

(Date of Signature)